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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 VIRGILIA PENARIJO,

Case No. 2:17-cv-02121-RFB-PAL

8 Plaintiff,

ORDER

9 v.

10 OCWEN LOAN SERVICING, LLC, et al.,

11 Defendants.

12 This matter is before the court on the parties' failure to file a stipulation to dismiss with
13 prejudice.

14 On June 11, 2018 defendants filed a Notice of Settlement (ECF No. 35) advising that a
15 global settlement had been reached between all parties. Counsel anticipated 45 days to file a
16 stipulation to dismiss.

17 On June 12, 2018, Judge Boulware entered a Minute Order (ECF No. 36) which: 1) denied
18 without prejudice the Motions to Dismiss (ECF Nos. 5, 15); 2) vacated a June 13, 2018 hearing;
19 and 3) gave the parties until August 13, 2018 to either file a stipulation to dismiss or a joint status
20 report advising when the stipulation to dismiss would be filed.

21 On August 13, 2018, counsel filed a Joint Status Report (ECF No. 37) indicating the parties
22 "are still working on resolving the matter." Defendants stated they reserved the right to seek
23 enforcement of a settlement agreement "purportedly signed by Plaintiff related to the resolution of
24 this dispute by way of a loan modification; however, plaintiff subsequently accepted and submitted
25 a short-sale option for the home." Defendants were in the process of reviewing the short sale
26 option and stated they needed another 90 days or until November 12, 2018 and would submit
27 another Joint Status Report if additional time was necessary. Plaintiff stated he was optimistic that
28 a short sale could be accomplished in 90 days.


1 More than 220 days have passed since the parties originally stated they had a settlement
2 that would only take 45 days to complete. A Joint Status report was not filed in 90 days, and there
3 has been no proceedings of record since August 13, 2018. Discovery closed September 19, 2018.

4 Accordingly,

5 **IT IS ORDERED:**

- 6 1. The parties shall have until **February 19, 2019** to file a stipulation to dismiss if they
7 have settled.
- 8 2. If the parties have not settled defendants shall have until **February 19, 2019** to refile
9 motions to dismiss which were pending and set for hearing and vacated when the
10 parties filed their Notice of Settlement.

11 DATED this 18th day of January 2019.

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14 PEGGY A. LEEN
15 UNITED STATES MAGISTRATE JUDGE
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